IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

EX PARTE HELLER ET AL.

Application for Patent

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Application No. 10/622,017

Group Art Unit 2442

Examiner: Nickerson, Jeffrey

FOR:

METHOD AND SYSTEM FOR DATA SHARING BETWEEN APPLICATION
PROGRAMS

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TABLE OF AUTHORITIES

CASES:

I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Apple Inc.

II. RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

This application was filed on July 16, 2003. After various office actions and amendments, the rejection of claims 1-4, 6, 9, 10, 13-16 and 18-46 was made final in the final Office Action dated May 28, 2010. In response to this final Office Action, Applicants filed a Notice of Appeal and a Pre-Appeal brief on October 28, 2010. On December 17, 2010, a Notice of Panel Decision indicated that this application is to proceed to the Board of Patent Appeals and Interferences (Board of Appeals) without any additional comments from the participants of the Pre-Appeal review.

Regarding the status of the claims, claim 22 has been canceled by an amendment submitted herewith. Thus, claims 1-4, 6, 9, 10, 13-16, 18-21 and 23-46 are pending and the rejection of such claims is now being appealed.

More particularly, the status of each claim is as follows:

Claims 1-4, 6, 9, 10, 13-16, 18-21 and 23-46: Rejected.

Claims 5, 7, 8, 11, 12, 17 and 22: Cancelled.

IV. STATUS OF AMENDMENTS

All Amendments filed with the exception of the Amendment I submitted concurrently herewith, so as cancel claim 22, have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

This application pertains to techniques for sharing data with other application programs. The techniques allow sharing of content (e.g., media content) between different application programs operating on a computer system (e.g., the same computer). A second application program can access data provided by a first application program. In accordance with one embodiment, the first application program can effectively publish its data for external use by other application programs. The data can, for example, be stored in a database maintained by the first application program. The data can be published for external use by producing a data communication file that contains at least a portion of the data (e.g., a markup language representation of data). In any case, the data communication file can facilitate sharing of content between the application programs. The techniques are particularly well suited for application programs that utilize databases to store media information pertaining to media content files associated with media items. The media information can include properties of the media items, as well as links to storage locations for corresponding media content files that store the media content. The media content can, for example, include audio and/or video (see, for example, Summary of the invention on page 2).

Independent claims 1, 15 and 27 are summarized below.

Independent claim 1 is directed to "a method for sharing media data between application programs operating on at least one computer system having a display and a data storage device." As such, claim 1 recites:

(a) "storing, by a first application program, one or more media content files in the data storage device" (see, for example, paragraph [0027] on page 5);

(b) "accessing, by a second application program, a data communication file provided by the first application program" (see, for example, paragraph [0048] on page 12 and operation 604 depicted in Fig. 6), "the data communication file having a predetermined format known by the second application program, the first application program utilizing media information about one or more media content files in a proprietary format, and the data communication file being derived from the media information such that data internal to the data communication file is acquired from the media information" (see, for example, paragraphs [0005] on page 2, paragraph [0048] on page 12, and operation 604 depicted in Fig. 6);

(c) "producing, by the second application program, a user interface on the display using data internal to the data communication file" (see, for example paragraphs [0034] on page 7 and operation 304 depicted in Fig. 3);

(d) "receiving a user selection with respect to the user interface produced on the display" (see, for example, paragraphs [0034] on page 7 and operation 304 depicted in Fig. 3);

(e) "identifying a media content file associated with the user selection" (see, for example, paragraph [0034] on page 7 and operation 306 depicted in Fig. 3); and

(f) "playing or displaying, within the second application program on the computer system, media content from the media content file identified by the user selection to the second application program" (see, for example, paragraph [0048] on page 12 and operation 612 depicted in Fig. 6);

"wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items" (see, for

example, paragraph [0022] on pages 4-5, and paragraph [0047] on page 11, and Abstract on page 23).

CLAIM 15

(II) Independent claim 15 is directed to "a computer readable medium including at least computer program code for sharing media data between computer programs operating on at least one computer system." The computer readable medium includes:

(a) "computer program code for accessing, by a second program, a data communication file, the data communication file having a predetermined format known by the second application program" (see, for example, paragraph [0048] on page 12 and operation 604 depicted in Fig. 6), "the data communication file being automatically produced from information about one or more media content files obtained from database data in a propriety format provided by a first program" (see, for example, paragraph [0030] on page 6, and operation 206 depicted in Fig. 2);

(b) "computer program code for producing a user interface using data from the data communication file (see, for example paragraphs [0034] on page 7 and operation 304 depicted in Fig. 3);

(c) "computer program code for receiving a user selection with respect to the user interface" (see, for example paragraphs [0034] on page 7 and operation 306 depicted in Fig. 3);

(d) "computer program code for identifying the media content file associated with the user selection" (see, for example paragraph [0034] on page 7 and operation 306 depicted in Fig. 3); and

(e) computer program code for playing or displaying media content from the media content file identified by the user selection to the second program

(see, for example, paragraphs [0048] on page 12 and operation 612 depicted in Fig. 6);

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items (see, for example, paragraph [0022] on pages 4-5, and paragraph [0047] on page 11, and Abstract on page 23).

CLAIM 27

(III) Independent claim 27 pertains to a computer system for sharing media data between application programs operating thereon. The computer system comprises:

(a) "a first application program that manages a first media database that contains at least media information, in a proprietary format, pertaining to media items, said first application further produces a data communication file that includes at least a portion of the media information of the first media database" (see, for example, paragraph [0037] on page 8, and the first application program 401 depicted in Fig. 4); and

(b) "a data storage device that stores the data communication file and a media content file for each of a plurality of media items" (see, for example, media database 402 of Fig. 4);

"wherein the data communication file has a predetermined format known by a second application program (see, for example, paragraph [0005] on page 2, and paragraph [0044] on page 10),

"wherein the second application program presenting a user interface using at least a portion of the media information acquired from the data communication file" (see, for example, paragraph [0039] on page 9, and Fig. 4),

"wherein the first application program and the second application program operate on the same computer system" (see, for example, paragraph [P036] on page 8 and Fig. 4), and

"wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items" (see, for example, paragraph [0022] on pages 4-5, and paragraph [0047] on page 11, and Abstract on page 23).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented on appeal are:

A.   Whether claims 1-4, 6, 9-10, 13-16, 18-21, 23-37 and 39-42 are unpatentable over Bowker et al. (U.S. Patent No. 6,601,071) in view of Dunning et al. (U.S. Patent Publication No. 2002/0082901).

B.   Whether claim 38 is unpatentable over Bowker et al. in view of Dunning et al. and Berry et al. (U.S. Patent No. 6,018,341).

C.   Whether claim 43 is unpatentable over Bowker et al. in view of Dunning et al. and Heath et al. (U.S. Patent No. 6,006,034).

D.   Whether claims 44-46 are unpatentable over Bowker et al. in view of Dunning et al. and Chow et al. (U.S. Patent No. 6,029,175).

VII. ARGUMENT

A.   INTRODUCTION

The Examiner has improperly rejected claims 1-4, 6, 9-10, 13-16, 18-21, 23-37 and 39-42 under 35 USC §103(a) as being unpatentable over Bowker et al. (U.S. Patent No. 6,601,071) in view of Dunning et al. (U.S. Patent Publication No. 2002/0082901). In addition, the Examiner has improperly rejected claim 38 under 35 USC §103(a) as being unpatentable over Bowker et al. in view of Dunning et al. and Berry et al. (U.S. Patent No. 6,018,341). The Examiner has also improperly rejected claim 43 under 35 USC §103(a) as being unpatentable over Bowker et al. in view of Dunning et al. and Heath et al. (U.S. Patent No. 6,006,034). Further, the Examiner has improperly rejected claims 44-46 as being unpatentable over Bowker et al. in view of Dunning et al. and Chow et al. (U.S. Patent No. 6,029,175).

As explained below, these rejections of these claims under 35 USC §103(a) are defective for at least the reasons noted below and should be reversed.

B.   CLAIMS 1-4, 6, 9-10, 13-16, 18-21, 23-37 AND 39-42 ARE NOT OBVIOUS OVER BOWKER ET AL. IN VIEW OF DUNNING ET AL.

CLAIM 1

Claim 1 recites:

> A method for sharing media data between application programs operating on at least one computer system, the computer system having a display and a data storage device, said method comprising:
>
>   (a) storing, by a first application program, one or more media content files in the data storage device;
>
>   (b) accessing, by a second application program, a data communication file provided by the first application program, the data communication file having a

predetermined format known by the second application program, the first application program utilizing media information about one or more media content files in a proprietary format, and the data communication file being derived from the media information such that data internal to the data communication file is acquired from the media information;

(c) producing, by the second application program, a user interface on the display using data internal to the data communication file;

(d) receiving a user selection with respect to the user interface produced on the display;

(e) identifying a media content file associated with the user selection; and

(f) playing or displaying, within the second application program on the computer system, media content from the media content file identified by the user selection to the second application program,

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

As such, claim 1 is directed to "a method for sharing media data between application programs operating on at least one computer system including a display and a data storage device." In the context of sharing media data (e.g., media content files) between first and second application programs operable on at least one computing system, claim 1 recites that (i) the first application program stores media files that can be shared with the second application program, (ii) the first application program effectively derives a communication file from media information about media content files being shared. It is in this context of sharing media content files that could have been saved by the first application program that a second application program operates as a counterpart to the first application program. Specifically, the second application program, in turn, uses the communication file, effectively derived and provided by the first application program, to produce a user interface for the media content files being shared with the first application program. As a result, after producing a user

interface for the media content files being shared, the second application program can receive a user selection indicative of a media content file. Thereafter, the second application program can use the communication file effectively derived and provided by the first application program to, in turn, play or display one of the media content files selected by the user via the user interface. It should be noted that the second application program produces the user interface also based on a data communication file effectively derived and provided by another application program, namely, first application program. In displaying or playing of a user selected media content file, the second application program can use the data within the data communication file provided by the first application program, including media item properties and links to storage locations of a user selected media content file.

In this way, two application programs can share media content while allowing a user interface (e.g., a standard interface) to be provided for shared media content. As such, a second application program can provide a user interface for content even though the content may have been stored (or managed) by a first application program.

I.   BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST A DATA COMMUNICATION FILE, DERIVED FROM MEDIA INFORMATION ABOUT MEDIA CONTENT FILE SHARED BETWEEN TWO APPLICATION PROGRAMS, AND INCLUDING MEDIA ITEM PROPERTIES FOR MEDIA ITEMS AND LINKS TO STORAGE LOCATIONS FOR MEDIA CONTENT FILES CONTAINING MEDIA CONTENT FOR THE MEDIA ITEMS

As a method for sharing media data, claim 1, among other things, recites:

> (b) accessing, by a second application program, a data communication file provided by the first application program, the data communication file having a predetermined format known by the second application program, the first application program utilizing media information about one or

more media content files in a proprietary format, and the
data communication file being derived from the media
information such that data internal to the data
communication file is acquired from the media information,

...

wherein the data within the data communication file
includes at least media item properties for media items and
includes links to storage locations for media content files
containing media content for the media items.

As such, claim 1 is directed to sharing media content files between two
application programs via a data communication file derived from media
information about the one or more media content files being shared between the
two application programs. It should be noted that the data communication file (or
communication file), derived from the media information about the one or more
media content files, can include data to facilitate sharing of the media content
files between two application programs, namely, media item properties and links
to storage locations for the media content files to facilitate sharing of the media
content files between the two application programs.

In contrast to claim 1, <u>Bowker et al.</u> pertains to an "XML import tool," and
describes "a system that allows exchange of information by converting it to/from
proprietary formats from/to XML" (<u>Bowker et al.</u>, Abstract). More particularly,
<u>Bowker et al.</u> primarily teaches a set of commands generated (or generating a
set of commands) based on user input to facilitate importing data from an XML
file into a target repository (see, for example, Abstract and claim 1, on Col. 11).

Hence, initially, it is respectfully submitted that it should be apparent that
<u>Bowker et al.</u> cannot possibly teach or even remotely suggest sharing media
content between two application programs operable on at least one computer
system. It is clear that generation of code to facilitate importation of data from
one form to another form does not in itself teach sharing media content between
two application programs operable on at least one computer system. Further,
there is no teaching or suggestion in <u>Bowker et al.</u> and the Examiner has not
pointed to any other teachings with respect to sharing data between application

programs operable on a computing system. It is apparent that the teachings of Bowker et al. are merely directed to converting data and do not in any way teach how the converted data may be shared between two application programs.

Therefore, it is respectfully submitted that Bowker et al. cannot teach or suggest the broad concept of sharing content between two application programs. As such, Bowker et al. cannot be used to reject even a hypothetical claim broadly directed to sharing content between two application programs, not to mention that Bowker et al. cannot possibly teach or even remotely suggest various specific claimed features of claim 1, including a "data communication file," discussed in greater detail below.

EXAMINER AGREES THAT BOWKER ET AL. IS DEFICIENT

As admitted by the Examiner, Bowker et al. does NOT teach sharing a data communication file that includes media item properties for media items and links to storage locations for media content files containing media content for the media items (see, for example, on page 7 of the final Office Action).

It should be noted that in claim 1, the "media item properties" and "storage locations" are provided in the context of a "data communication file" derived from media information about media content files and shared between two application programs. Specifically, the "data communication file" facilitates sharing of media content (e.g., media content files) between the two application programs. In this context, the "media item properties" and "storage locations" of the "data communication file" are especially useful in facilitating sharing of content between two application programs.

Clearly, the claimed features of "media item properties for media items and links to storage locations for media content files containing media content for the media items" are neither taught nor suggested by Bowker et al. The Examiner has conceded that Bowker et al. does NOT even teach media content files (see, for example, on page 7 of the Final Office Action). As such, it is clear that Bowker et al. is seriously deficient with respect to teaching a methodology

for sharing media content files as it fails to even teach media content files or <u>any</u> mechanism for sharing media content between two application programs. Clearly, then, <u>Bowker et al.</u> fails to teach or suggest a data communication file that includes media item properties and links to storage locations for media content.

<u>DUNNING ET AL. CANNOT REMEDY THE DEFICIENCIES OF BOWKER ET AL.</u>

Despite this serious deficiency of <u>Bowker et al.</u>, the Examiner attempts to use <u>Dunning et al.</u> in order to reject claim 1.   More specifically, on page 8 of the final Office Action, the Examiner asserts that paragraphs [0141], [0142] and [0156] of <u>Dunning et al.</u> teach "a data communication file shared between two application programs such that the data communication file includes media item properties for media items and links to storage locations for media content files containing media content for the media items."

<u>Dunning et al.</u> is directed to a discovery engine aimed at discovering relationships between items in order to recommend items (Dunning et al., abstract). As such, contrary to the Examiner's assertion, it is apparent that <u>Dunning et al.</u> is NOT referring to a data communication file: (i) derived from media information about media content files, and (ii) shared between two application programs. Instead, <u>Dunning et al.</u> is referring to <u>links to music-related websites</u> that can be presented in a web site or can be mailed to individual users as a <u>recommendation</u> provided by the discovery engine (see, <u>Dunning et al.</u>, paragraph [0141] stating that "[i]n one embodiment, a data base 205 of Universal Resource Locators (URLs), or links, to music-related websites 203 is maintained", and "[i]f desired, such links may be presented to individual users, either on website 106 or via emails 119 that may be periodically generated and transmitted").

With reference to the first recited feature, namely, a data communication file (i) derived from media information about media content files, clearly, <u>Dunning et al.</u> does NOT teach <u>deriving</u> the link to a music related website from media

information about media content files that are being or are to be <u>shared</u>." In fact, in <u>Dunning et al.</u>, a link to a music related web site is not derived from anything and does not serve as an instrument that facilities sharing content. Instead, the music related website of <u>Dunning et al.</u> is an independent entity, typically an e-commerce site recommended to the user. In other words, in <u>Dunning et al.</u>, a link to a music related website can possibly be shared. However, clearly, this link is not an object being <u>derived</u> from media content to be shared, and it is an instrument that facilities sharing content, even in the abstract. In claim 1, the data communication file is derived from what is to be shared (media content / media content file) and includes specific components (media item properties for media items and links to storage locations) designed to facilitate the sharing. In stark contrast, in <u>Dunning et al.</u>, a link to a music related website is just shared (e.g., emailed) with individual. Hence, the link being shared cannot be considered to be a derivation (i.e., a data communication file derived from media content to be shared) of something that is to be shared (i.e., media content files to be shared).

Moreover, with reference to the second recited feature in connection with a communication file, namely, being (ii) shared between two application programs, it is abundantly clear that <u>Dunning et al.</u> does not teach sharing a "link to a music related website" between two application programs operable on a computer system. <u>Dunning et al.</u> merely teaches that a link to a website can be shared by providing it as a recommendation to a website or emailing it to individual users. Clearly, providing or publishing a link to a website is not the same as sharing a data communication file between two application programs, especially when the data communication file is provided with specific components derived from content to be shared and aimed to facilitate the sharing of content.

CONSIDERING CLAIM 1 AS A WHOLE MAKES IT EVEN MORE EVIDENT THAT THE EXAMINER'S REJECTION IS IMPROPER

Furthermore, it is respectfully submitted that claim 1 recites additional features that when considered with the "data communication file" (discussed above) would render the Examiner's position even more indefensible if claim 1 is properly viewed as a whole and its proper context.

These additional features of claim 1 to be considered include:

(a) storing, by a first application program, one or more media content files in the data storage device;

(b)... a data communication file provided by the first application program;

(c) producing, by the second application program, a user interface on the display using data internal to the data communication file;

(d) receiving a user selection with respect to the user interface produced on the display;

(e) identifying a media content file associated with the user selection; and

(f) playing or displaying, within the second application program on the computer system, media content from the media content file identified by the user selection to the second application program....

As noted above, in the context of sharing media data (e.g., media content files) between first and second application programs operable on at least one computing system, claim 1 recites that (i) the first application program stores media files that can be shared with the second application program, (ii) the first application program effectively derives a data communication file from media information about media content files being shared. The second application program can then, in turn, uses the data communication file, effectively derived and provided by the first application program, to produce a user interface for the

media content files being shared with the first application program. As a result, after producing a user interface for the media content files being shared, the second application program can receive a user selection indicative of a media content file. Thereafter, the second application program can use the data communication file effectively derived and provided by the first application program to, in turn, play or display one of the media content files selected by the user via the user interface. It should be noted that the second application program produces the user interface also based on a data communication file effectively derived and provided by another application program, namely, first application program. In displaying or playing of a user selected media content file, the second application program can use the data within the data communication file provided by the first application program, including media item properties and links to storage locations of a user selected media content file.

In this way, two application programs can share media content while allowing a user interface (e.g., a standard) to be provided for shared media content. As such, a second application program can provide a user interface for content even though the content may have been stored (or managed) by a first application program.

As this point, it may be worth noting that the more specific claimed features of the data communication file which are not taught or suggest by Bowker et al. or Dunning et al. (i.e., media item properties and links to storage locations) are not discussed in great detail, because the Examiner has admitted that Bowker et al. does not teach media content files, and it is apparent that Dunning et al. does not teach a data communication file because, as noted above, it is abundantly clear that Dunning et al. is NOT referring to a data communication file (i) derived from media information about media content files, and (ii) shared between two application programs.

Rather, a more meaningful exercise would be to consider claim 1 as whole and in its proper context, especially in light of the features specific to the first and

second application programs, as summarized above. It should be noted that these features are specific to each one of the first and second application programs, yet when taken as a whole these features facilitate sharing media context files between the first and second applications in a meaningful way, such that a <u>user interface</u> for selecting a media content file can be provided by a second application program even though the media content files can be stored by a first application program. Specifically, this user interface can be provided by the second application program based on a communication data file effectively derived from the media context files to be shared by the first application. The communication data file is provided by the first application program for use by the second application program to facilitate producing a user interface for shared data, thereby enabling sharing of data in meaningful way to allow display or playing of the shared data.

It is respectfully submitted that the Examiner has NOT pointed to anything in <u>Bowker et al.</u> or <u>Dunning et al.</u> that would teach or suggest a methodology with operations specific to two application programs that would still yield any one of the results that can be achieved by method of claim 1 (e.g., producing a user interface for shared content, or displaying or playing shared content). Instead, the Examiner, at best, generally dismisses each one of the features specific to either the first or second application program in the abstract without any regard to which application is performing a specific claimed feature and with complete disregard to the claimed invention considered as a whole. As such, the Examiner has improperly relied on separate and disparate teachings of the cited art that even if they could have been pieced together in a meaningful way (which they cannot) do not in any way teach or suggest the method recited in claim 1.

To give an example, with respect to (a) storing, by a first application program, one or more "things" (i.e., media content files) in a data storage device, the Examiner dismisses this claimed feature essentially by asserting that <u>Bowker et al.</u> teaches an application storing one or more "things" (data records) (final Office Action, page 6).

Then, when addressing other features specific to the first application program, namely, a data communication file derived and produced by the first application, the Examiner does not address the general need for the same entity in Bowker et al. that stored the one or more "things" to also derive and produce a communication file notwithstanding the very specific features of the communication file that is lacking in both of the cited reference. Instead, the Examiner summarily dismisses the feature of a data communication file derived and produced by the first application, based on the general teachings of Bowker et al. with respect to exchange of information by converting between proprietary formats and XML format, all predicated on the assertion that is generally known that an XML file can be used to exchange information. Then, the Examiner rejects each of the improperly isolated parts of claim 1 in the abstract by asserting that deriving and producing a data communication file may have been known in the context of an XML tool. However, this approach does not even properly address the claimed features individually (e.g., a first application program derives and produces a specific thing for a second application program). More importantly, the Examiner does not consider claim 1 as a whole because the Examiner does not even attempt to address the clear relationship between the recited features.

Similarly, the Examiner summarily dismisses features specific to the second application program with no regard to their relationship with the operations performed by the first application program. In doing so, the Examiner rejects the specific features of "producing by the second application program, a user interface based on the communication file provided by the first application program", "displaying or playing by the second application program a media content file selected via the user interface", and so on.

In view of the foregoing, it is apparent the Bowker et al. and Dunning et al. taken alone, or in combination do not teach or even remotely suggest the method of claim 1 even assuming *arguendo* that two (2) cited references are combinable and further assuming that one of skilled in the art would have sought to combine them.

However, for the sake of completeness, it will be also shown below that Bowker et al. and Dunning et al. are neither combinable, nor would have been combined by one of ordinary skill in the art at the time of invention.

II.   ONE OF ORDINARY SKILL IN THE ART WOULD NOT HAVE COMBINED BOWKER ET AL. AND DUNNING ET AL.

Simply put, one of skilled in the art would not have looked into Bowker et al. to address the problem of sharing data between application programs, and in particular in order to produce a user interface for shared data using the application programs.   This is apparent partly because the teachings of Bowker et al. yield "a set of commands generated based on user input to facilitate importing data from an XML file into a target repository (see, for example, abstract and claim 1, at col. 11).   Hence, Bowker et al. is not concerned with a user interface for selection and effective use of shared data.   Conceivably, even further from this aim, are the teachings of Dunning et al., which are clearly directed to a discovery engine aimed at discovering relationships between items in order to recommend items (Dunning et al., abstract).

Clearly, Dunning et al. is not even remotely concerned with providing a user interface for shared data.   In fact, Dunning et al. is not even primarily concerned with exchange of data as its primary purpose is to recommend an item based on discovered relationships between items.   As such, one of ordinary skilled in the art would NOT have looked in Dunning et al. to address any problems even remotely associated with exchanging or sharing data even in the abstract.   Nevertheless, the Examiner seeks to use Dunning et al. merely because it happens to mention the word "media" (i.e., music related web site) which the Examiner realizes is completely lacking from Bowker et al.

To further elaborate, one of ordinary skill in the art would NOT have looked into the teachings of Bowker et al., namely, generation of commands by an importing tool to facilitate importing data from an XML file, in order to arrive at

the method of claim 1 which, among other things, allows providing a user interface for shared data. It is abundantly clear that the importing tool and the teachings of Bowker et al. are NOT directed to providing a user interface (e.g., a standard User Interface) for data that can be shared or for using shared data (e.g., displaying or playing media content)

Further, one of ordinary skilled in the art would not have even considered combining Dunning et al. with Bowker et al. for any conceivable reason as neither one of them could have apparently benefited from each other despite the Examiner's assertion to the contrary and to the effect that Dunning et al. would teach one of ordinary skill in the art to share media content (Final Office Action, page 8).

In view of the foregoing, Applicants submit, notwithstanding the Examiner's assertion to the contrary, that there is no reasonable rationale why anyone skilled in the art would reasonably seek to combine Dunning et al. and Bowker et al. "A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1397 (2007).

Further, it is not understood how or why one skilled in the art would attempt to combine Dunning et al. and Bowker et al. It is evident that the Examiner's rationale for the combination is the result of a piecemeal reconstruction of the claimed invention. Even so, there is no logical reason why one skilled in the art would be motivated to combine Dunning et al. and Bowker et al. for the reasons noted above.

Still further, as discussed above, there is no reasonable or rational basis to combine these references as the Examiner proposes. Furthermore, common sense dictates that one of ordinary skill in the art would NOT attempt to combine Dunning et al. and Bowker et al. as proposed by the Examiner. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 U.S.P.Q.2d 1687 (Fed.

Cir. 2007) ("common sense ... demonstrates why some combinations would be obvious and other would not"). Accordingly, the combination of these references is improper.

III. BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST PRODUCING, BY A SECOND APPLICATION PROGRAM, A USER INTERFACE BASED ON A DATA COMUNICATION FILE PROVIDED BY A FIRST APPLICATION PROGRAM

In view of the foregoing, it is apparent that Bowker et al. and Dunning et al. cannot possibly teach or even remotely suggest the method of claim 1. Nevertheless, for the sake of completeness, other claimed features that render claim 1 further patentably distinct from Bowker et al. and Dunning et al. are briefly discussed below.

Claim 1 also recites:

> (a) producing, by the second application program, a user interface on the display using data internal to the data communication file.

On page 7 of the final Office Action, the Examiner generally refers to Figures 8-14 and accompanying text of Bowker et al. to allege that this claimed feature is taught. It is apparent that Figures 8-14 of Bowker et al. depict a user interface for receiving input used to generate the code that can be executed to facilitate importing of data. For the convenience of the Board of Appeals, pertinent sections of Bowker et al. are provided below:

> Referring to Fig. 8, "[a] screen 800 provides controls that allow a user to specify the XML file from which data needs to be read."
>
> In Fig. 9, "[s]creen 900 includes controls that allow the user to specify the parameters of target database."

Referring to Fig. 10, "[T]he right hand side of screen 1000 shows the layout of the XML file that the user has selected. The XML file layout is shown on screen 1000 for reference purposes only. The left side of screen 1000 shows a list of tables in the schema of the target database, and a list of sequences in that schema."

In Fig. 11 "[s]creen 1100 corresponds to the table CBT that was selected using screen 1000."

With reference to Figs. 12 and 13, Bowker et al. states that "[i]n the example given above, two tables were selected using screen 1000. Screen 1100 is generated for receiving mapping instructions relating to the first table, and screen 1200 illustrated in FIG. 12 is generated for receiving mapping instructions relating to the second table."

In Fig. 13, "Screen 1300 provides controls that allow the user to change the order of tables in which data is inserted.

Finally, "Screen 1400 of FIG. 14 shows a series of SQL statements that may be presented to the user in response to the user's request to see the execution plan" (Bowker et al., cols. 8-10).

Although Figs. 8-14 of Bowker et al. are directed to a user interface, the Examiner has not pointed to anything that would teach or even remotely suggest producing a user interface by a second application program, based on data (e.g., a data communication file) provided by a first application program. Not to mention that no evidence has been offered by the Examiner that the produced user interface pertains to media content that is shared between two application programs but yet can be selected via the user interface.

Moreover, in view of the foregoing, it is apparent that neither Bowker et al. nor Dunning et al. can possibly teach or even remotely suggest this claimed feature (a).

IV. **BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST PLAYING OR DISPLAYING, WITHIN THE SECOND APPLICATION PROGRAM, A MEDIA CONTENT FILE SHARED BY A FIRST APPLICATION PROGRAM AND IDENTIFIED BY A USER SELECTION TO THE SECOND APPLICATION PROGRAM**

Claim 1 also recites:

> (f) playing or displaying, within the second application program on the computer system, media content from the media content file identified by the user selection to the second application program.

On page 7 of the Final Office Action, the Examiner generally refers to Figures 8-14 and accompanying text of Bowker et al. to allege that this claimed feature is taught.

As noted above, "Screen 1400 of FIG. 14 shows a series of SQL statements that may be presented to the user in response to the user's request to see the execution plan" (Bowker et al., Cols. 10, lines 46-48). Clearly, displaying a series of SQL statements that can be used (i.e., executed) to import data cannot teach or suggest playing or displaying media content. Not to mention that Screen 1400 cannot possibly teach or suggest displaying media content that is selected via a user interface produced by one application, based on data provide by another application program, even though the selected media content can be stored and shared with another application program.

In view of the foregoing, it is apparent that neither Bowker et al. nor Dunning et al. can possibly teach or even remotely suggest this claimed feature (f).

V. **CONCLUSION**

Based on any of the foregoing reasons, it is submitted that claim 1 is patentably distinct from Bowker et al. and Dunning et al. Therefore, it is

respectfully submitted that the Examiner's rejection of claim 1 is improper and should be withdrawn.

Claim 39

As a dependent claim, claim 39 recites "[a] method as recited in claim 1, wherein the first application program and the second application program operate on the same computer." Referring to page 13 of the Final Office Action, the Examiner has asserted that paragraph [0300] of Dunning et al. teaches this claimed feature. Contrary to the Examiner's assertion, it is respectfully submitted that Paragraph [0300] of Dunning et al. pertains to an "Export Music Library" command 2203E that activities Export screen 2203W and does not teach first and second application programs on the same computer in the context of the claimed feature. Moreover, it is respectfully submitted that Bowker et al. and Dunning et al. do not teach or suggest this claimed feature. Thus, claim 39 is patentably distinct from Bowker et al. and Dunning et al. for this additional reason.

Claim 40

As a dependent claim, claim 40 recites "[a] method as recited in claim 1, wherein the first application program includes at least a media management application." Referring to page 13 of the Final Office Action, the Examiner has asserted that Paragraph [0300] of Dunning et al. teaches this claimed feature. Contrary to the Examiner's assertion, it is respectfully submitted that paragraph [0300] of Dunning et al. pertains to an "Export Music Library" command 2203E that activities Export screen 2203W" and does not teach a first application program including at least a media management application in the context of claim 39. Moreover, it is respectfully submitted that Bowker et al. and Dunning et

al. do not teach or suggest this claimed feature. Thus, claim 40 is patentably distinct from Bowker et al. and Dunning et al. for this additional reason.

Claim 41

Claim 41 recites a method as recited in claim 1, wherein the data communication file is automatically produced by the first application program. Referring to page 13 of the Final Office Action, the Examiner has asserted that Paragraph [0300] of Dunning et al. and col. 5, lines 29-43 of Bowker et al. teach this claimed feature.

As noted above, paragraph [0300] of Dunning et al. pertains to an "Export Music Library" command 2203E. Hence, contrary to the Examiner's assertion, paragraph [0300] of Dunning et al. does not teach or suggest this claimed feature.

In Col. 5, lines 29-43, Bowker et al. teaches that a "Screen 600 provides controls that allow the user to decide the format of the output." As such, Bowker et al. teaches away from automatic production of data because it explicitly teaches formatting output based on the input provided by a user, notwithstanding the fundamental distinction that in Bowker et al. the output formatted based on user input is NOT in a data communication file in context of claim 1. Clearly, the formatting of the data in Bowker et al. does NOT in any way teach or suggest a data communication file automatically produced by a first application in the context of the claim 41.

Moreover, it is respectfully submitted that Bowker et al. and Dunning et al. do not teach or suggest this claimed feature. Thus, claim 41 is patentably distinct from Bowker et al. and Dunning et al. for this additional reason.

Claim 42

As a dependent claim, claim 42 recites a method as recited in claim 1, "wherein the first application program automatically updates the data communication file when the media information utilized by the first application program changes." Referring to page 13 of the Final Office Action, the Examiner asserts that Paragraph [0207] of <u>Dunning et al.</u> teaches this claimed feature. Contrary to the Examiner's assertion, however, it is respectfully submitted that Paragraph [0207] of <u>Dunning et al.</u> teaches that "[r]ecommdations may be refreshed and updated whenever a new play log 1024 is received" and does NOT teach or suggest "automatically updating a data communication file when media information utilized by a first application program changes." Therefore, it is respectfully submitted that <u>Bowker et al.</u> and <u>Dunning et al.</u> do NOT teach or suggest this claimed feature. Thus, claim 42 is patentably distinct from <u>Bowker et al.</u> and <u>Dunning et al.</u> for this additional reason.

Claim 15

As an independent claim and similar to claim 1, claim 15 is also directed to sharing media content files between two application programs (or programs). Similar to the "accessing" feature of claim 1 discussed above, claim 15 also recites:

> computer program code for accessing, by a second program, a data communication file, the data communication file having a predetermined format known by the second application program, the data communication file being automatically produced from information about one or more media content files obtained from database data in a propriety format provided by a first program,
>
> ...
>
> wherein the data within the data communication file includes at least media item properties for media items and includes links to

storage locations for media content files containing
media content for the media items.

As such, similar to claim 1, claim 15 is also directed to sharing media
content files between first and second application programs (or programs), via a
communication file that can include media item properties and links to storage
locations for the media content files to facilitate sharing of the media content files
between the two application programs. Unlike claim 1, however, it should be
noted that in accordance with claim 15, the data communication is automatically
produced from information about the media content file(s) obtained from data
provided in a propriety format by the first program.

I.   BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST A DATA COMMUNICATION FILE AUTOMATICALLY PRODUCED FROM INFORMATION ABOUT ONE OR MORE MEDIA CONTENT FILES PROVIDED BY A FIRST APPLICATION PROGRAM FOR ACCESS BY A SECOND APPLICATION PROGRAM

Although the Examiner has not directly addressed claim 15, the Examiner
has made reference to the Examiner's rejection of claim 1.

However, initially, it is respectfully submitted that the Examiner's rejection
of claim 15 appears to be improper for failing to even address the feature of: "the
data communication file being automatically produced from information about
one or more media content files obtained from database data in a propriety
format provided by a first program."

Moreover, it is respectfully submitted that Bowker et al. and Dunning et al.
do NOT teach or even remotely suggest "a data communication file being
automatically produced from information about one or more media content files
obtained from database data in a propriety format provided by a first program."
Not to mention that Bowker et al. and Dunning et al. cannot possibly teach or

even remotely suggest "a data communication file automatically produced from information about one or more media content files provided by a first application program for access by a second application program, wherein the data within the data communication file includes media item properties for media items and links to storage locations for media content files containing media content for the media items."

As noted above, Bowker et al. pertains to an "XML import tool," and describes "a system that allows exchange of information by converting it to/from proprietary formats from/to XML" (Bowker et al., Abstract). More particularly, Bowker et al. primarily teaches a set of commands generated based on user input to facilitate importing data from an XML file into a target repository (see, for example, abstract and claim 1, on col. 11). Hence, as discussed above, it should be apparent that Bowker et al. cannot possibly teach or even remotely suggest sharing media content between two application programs operable on at least one computer system.

As admitted by the Examiner, Bowker et al. does NOT teach sharing a data communication file that includes media item properties for media items and links to storage locations for media content files containing media content for the media items (see, for example, on page 7 of the Final Office Action). Hence, the Examiner has effectively admitted that Bowker et al. does not teach automatically producing a data communication file that includes media item properties for media items and links to storage locations for media content files containing media content for the media items.

Based on the discussion of Dunning et al. above, it is apparent that Dunning et al. cannot cure this serious deficiency with respect to not teaching or suggesting "a data communication file including media item properties for media items and links to storage locations for media content files" with respect to a method for sharing media content. To summarize, it is apparent that Dunning et al. is NOT referring to a communication file (i) derived from media information about media content files, and (ii) shared between two application programs.

Instead, <u>Dunning et al.</u> is referring to <u>links to music-related websites</u> that can be presented in a web site or can be mailed to individual users (see, <u>Dunning et al.</u>, paragraph [0141] stating that "[i]n one embodiment, a data base 205 of Universal Resource Locators (URLs), or links, to music-related websites 203 is maintained," and "[if] desired, such links may be presented to individual users, either on website 106 or via emails 119 that may be periodically generated and transmitted").

Further, similar to claim 1, considering claim 15 as a whole makes it even clearer that the rejection of claim 15 is improper, as claim 15 further recites:

> producing a user interface using data from the data communication file;
>
> receiving a user selection with respect to the user interface;
>
> identifying the media content file associated with the user selection; and
>
> playing or displaying media content from.

Again, it should be noted that the Examiner has not pointed to anything in <u>Bowker et al.</u> or <u>Dunning et al.</u> that would teach or even remotely suggest a methodology with operations specific to two application programs that would teach or even remotely suggest the method of claim 15 as a whole. Instead, the Examiner, at best, generally dismisses each one of the features specific to either the first or the second application program in the abstract without any regard to which specific application is performing a particular claimed feature and without due consideration of claim 15 as a whole.

As was noted in simple terms above, one of skilled in the art would not have looked into <u>Bowker et al.</u> to address the problem of sharing data between <u>application programs</u> and in particular producing a user interface for shared data, as the teachings of <u>Bowker et al.</u> yield "a set of commands generated based on user input to facilitate importing data from an XML file into a target repository (see, for example, abstract and claim 1, on Col. 11). Hence, <u>Bowker et al.</u>, among other distinctions, is NOT concerned with a user interface for selection

and effective use of shared data. Conceivably, even further form this aim, are the teachings of Dunning et al., which are clearly directed to a discovery engine aimed at discovering relationships between items in order to recommend items (Dunning et al., abstract).

II. BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST PRODUCING, BY THE SECOND APPLICATION PROGRAM A USER INTERFACE BASED ON THE DATA COMUNICATION FILE

Although the Examiner has not directly addressed claim 15, the Examiner has made reference to the Examiner's rejection of claim 1. Specifically, referring to page 7 of the final Office Action, the Examiner generally refers to Figures 8-14 and accompanying text of Bowker et al. to allege that this claimed feature is taught. It is apparent that Figures 8-14 depict a user interface for receiving input used to generate the code that can be executed to facilitate importing of data.

As discussed above with respect to claim 1, although Figs. 8-14 are directed to a user interface, the Examiner has NOT pointed to anything that would teach or even remotely suggest producing a user interface by a second application program, based on data (e.g., a data communication file) provided by a first application program. Not to mention that no evidence has been offered by the Examiner that the produced user interface of Bowker et al. pertains to media content that is shared between two application programs and can be selected via the user interface produced by one of the application programs based on data provided by the other application program.

Moreover, in view of the foregoing, it is apparent that neither Bowker et al. nor Dunning et al. can possibly teach or even remotely suggest this claimed feature.

III. BOWKER ET AL. AND DUNNING ET AL. FAIL TO TEACH OR SUGGEST PLAYING OR DISPLAYING MEDIA CONTENT FROM THE MEDIA CONTENT FILE IDENTIFIED BY THE USER SELECTION TO THE SECOND PROGRAM

Although the Examiner has not directly addressed claim 15, the Examiner has made reference to the Examiner's rejection of claim 1. Specifically, referring to page 7 of the Final Office Action, the Examiner generally refers to Figs. 8-14 and accompanying text of Bowker et al. to allege that this claimed feature is taught.   As noted above with respect to claim 1, "Screen 1400 of FIG. 14 shows a series of SQL statements that may be presented to the user in response to the user's request to see the execution plan" (Bowker et al., col. 10, lines 46-48). Clearly, displaying a series of SQL statements that can be used (i.e., executed) to import data does NOT even teach or even remotely suggest playing or displaying media content. Not to mention that screen 1400 cannot possibly teach or suggest displaying media content that is selected via a user interface produced by one application based on data provide by another application program even though the selected media content can be stored and shared with another application program.

Moreover, in view of the foregoing, it is apparent that neither Bowker et al. nor Dunning et al. cannot possibly teach or even remotely suggest this claimed feature.

IV. CONCLUSION

Based on any of the foregoing reasons, it is submitted that claim 15 is patentably distinct from Bowker et al. and Dunning et al. Therefore, it is respectfully submitted that the Examiner's rejection of claim 15 is improper and should be withdrawn.

Claim 27

As an independent claim, claim 27 is directed to a computer system for sharing media data between application programs operating thereon. As such, like claim 1, claim 27 is also directed to facilitating sharing media data between application programs operable on a computer system.

Moreover, claim 27 recites similar features as those discussed above with respect to claim 1, including: a first application program that (a) "manages a first media database that contains at least media information, in a proprietary format, pertaining to media items," (b) "produces a data communication file that includes at least a portion of the media information of the first media database, ... wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items."

Similar to claim 1, claim 27 also recites a second application program presenting a user interface using at least a portion of the media information acquired from the data communication file.

As such, claim 27 is also patentably distinct from Bowker et al. and Dunning et al. for the reasons noted above with respect to claim 1 which are incorporated herein.

Furthermore, it is respectfully submitted that the Examiner's rejection of claim 27 is clearly improper because the Examiner has NOT even addressed the following features: the "first application program that manages a first media database that contains at least media information." Moreover, in view of the foregoing, it is respectfully submitted that Bowker et al. and Dunning et al. cannot possibly teach or suggest this features in the context of the computing system of claim 27.

Claims 28-30

Dependent claims 28-30 recite features similar to those discussed with respect to claim 1 and are therefore also patently distinct from <u>Bowker et al.</u> and <u>Dunning et al.</u> Particularly, claim recites that the "second application program receives a user selection with respect to the user interface, thereby selecting at least one media item." Claim 29 additionally recites that "second application program plays or displays media content from the media content file for the selected media item." Similarly, claim 30 additionally recites that the second application program makes use of the media information from the data communication file or media content from the media content file for the selected media item. It is respectfully submitted that <u>Bowker et al.</u> and <u>Dunning et al.</u> fail to teach or suggest this features

C.   CLAIM 38 IS NOT OBVIOUS OVER BOWKER ET AL. IN VIEW OF DUNNING ET AL. AND BERRY ET AL.

As a dependent claim of claim 27, claim 38 recites a computer system, "wherein said first application program updates the data communication file when a user interface window associated with the first application program is context switched into a foreground position."

Initially, it is respectfully submitted that the Examiner has NOT properly addressed the feature of the "first application program updat[ing] the data communication file when a user interface window associated with the first application program is context switched into a foreground position." Instead of addressing the specific act of <u>updating</u> the data communication file, the Examiner has merely asserted that <u>Berry et al.</u> teaches that <u>an action</u> can be performed (final Office Action, page 14). The action of <u>Berry et al.</u> in no way teaches or suggests the updating of a data communication file as recited in claim 38. Accordingly, it is respectfully submitted that the Examiner's rejection of claim 38 is clearly improper and should be withdrawn.

Moreover, it is respectfully submitted that <u>Bowker et al, Dunning et al.</u> and <u>Berry et al.</u> taken alone, or in combination even assuming for the sake of argument that they were combinable, do not teach or suggest claim 38. Therefore, claim 38 is patentably distinct from <u>Bowker et al, Dunning et al.</u> and <u>Berry et al.</u>

D.   CLAIM 43 IS NOT OBVIOUS OVER BOWKER ET AL. IN VIEW OF DUNNING ET AL. AND HEATH ET AL.

Claim 43 is dependent on claim 1. It is respectfully submitted that <u>Heath et al.</u> does not cure the deficiencies of <u>Bowker et al.</u> and <u>Dunning et al.</u> discussed above with respect to claim 1. Thus, the Examiner's rejection of claim 43 is improper and should be withdrawn.   Moreover, it is respectfully submitted that <u>Bowker et al., Dunning et al.</u> and <u>Heath et al.</u> taken alone, or in combination even assuming that they were combinable, do not teach or suggest claim, 43 and claim 43 is therefore patentably distinct from <u>Bowker et al., Dunning et al.</u> and <u>Heath et al.</u>

E.   CLAIMS 44-46 ARE NOT OBVIOUS OVER BOWKER ET AL. IN VIEW OF DUNNING ET AL. AND CHOW ET AL.

Claims 44-46 are dependent on claim 1 or claim 15. It is respectfully submitted that <u>Chow et al.</u> does not cure the deficiencies of <u>Bowker et al.</u> and <u>Dunning et al</u> as discussed above with respect to claims 1 and 15. Thus, the Examiner's rejection of claim 44-46 is improper and should be withdrawn. Moreover, it is respectfully submitted that <u>Bowker et al., Dunning et al.</u> and <u>Chow et al.</u> taken alone, or in combination even assuming that they were combinable, do not teach or suggest these claims.   Therefore, claims 44-48 are patentably distinct from <u>Bowker et al., Dunning et al.</u> and <u>Chow et al.</u>

F.   CONCLUSION

It is respectfully requested that the Board reverse the rejection of all pending claims under 35 USC §103(a).

In the interest of speedy and just determination of the issues and for the reasons set forth in this Appeal Brief, it is requested that the Board reverse the Examiner's rejection and instruct the Examiner to pass this application to allowance.

If any additional fees are required in connection with the filing of this Appeal Brief, the Commissioner is authorized to charge Deposit Account No. 504298 (Order No. 101-P288).

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (Previously Presented) A method for sharing media data between application programs operating on at least one computer system, the computer system having a display and a data storage device, said method comprising:

(a) storing, by a first application program, one or more media content files in the data storage device;

(b) accessing, by a second application program, a data communication file provided by the first application program, the data communication file having a predetermined format known by the second application program, the first application program utilizing media information about one or more media content files in a proprietary format, and the data communication file being derived from the media information such that data internal to the data communication file is acquired from the media information;

(c) producing, by the second application program, a user interface on the display using data internal to the data communication file;

(d) receiving a user selection with respect to the user interface produced on the display;

(e) identifying a media content file associated with the user selection; and

(f) playing or displaying, within the second application program on the computer system, media content from the media content file identified by the user selection to the second application program,

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

2. (Original) A method as recited in claim 1, wherein the data within the data communication file includes a link to the media content file.

3. (Previously Presented) A method as recited in claim 1, wherein the associated media content file is thereafter useable by the second application program.

4. (Previously Presented) A method as recited in claim 1, wherein said playing or displaying (f) comprises presenting the media content file at the computer system.

5. (Cancelled)

6. (Original) A method as recited in claim 1, wherein the user interface includes at least a menu of media items determined from data acquired from the data communication file provided by the first application program.

7. (Cancelled)

8. (Cancelled)

9. (Original) A method as recited in claim 1, wherein the data communication file is a markup language document.

10. (Original) A method as recited in claim 9, wherein the markup language document is an XML document.

11. (Cancelled).

12. (Cancelled).

13. (Previously Presented) A method as recited in claim 1, wherein said producing (c), said receiving (d), said identifying (e) and said playing or displaying (f) are each able to be performed regardless of whether the first application program is being executed by the computer system.

14. (Original) A method as recited in claim 1, wherein said first application program is a music manager and player, and wherein said second application program is an image or video manager and viewer.

15. (Previously Presented) A computer readable medium including at least computer program code for sharing media data between computer programs operating on at least one computer system, said computer readable medium comprising:

computer program code for accessing, by a second program, a data communication file, the data communication file having a predetermined format known by the second application program, the data communication file being automatically produced from information about one or more media content files obtained from database data in a propriety format provided by a first program;

computer program code for producing a user interface using data from the data communication file;

computer program code for receiving a user selection with respect to the user interface;

computer program code for identifying the media content file associated with the user selection; and

computer program code for playing or displaying media content from the media content file identified by the user selection to the second program,

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

16. (Previously Presented) A computer readable medium as recited in claim 15,

wherein the data within the data communication file includes links to the one or more media content files, and

wherein the media content file is stored by the first program, and thereafter the media content file is useable by the second program.

17. (Cancelled).

18. (Previously Presented) A computer readable medium as recited in claim 15, wherein the user interface includes at least a list of media items determined from data acquired from the data communication file provided by the first program.

19. (Original) A computer readable medium as recited in claim 15, wherein the data communication file is a markup language document.

20. (Original) A computer readable medium as recited in claim 19, wherein the markup language document is an XML document.

21. (Previously Presented) A computer readable medium as recited in claim 15, wherein data within the data communication file pertains to media items managed by the first program.

22. (Canceled)

23. (Previously Presented) A computer readable medium as recited in claim 15, wherein said computer program code for producing, said computer program code for receiving, said computer program code for identifying and said computer program code for playing or displaying are part of the second program and are each able to be performed regardless of whether the first program is being executed by the computer system.

24. (Previously Presented) A computer readable medium as recited in claim 15, wherein said first program is a music manager and player, and wherein said second program is an image or video manager and viewer, and wherein the data communication file is stored by any of a first program, a second program or a third program.

25. (Previously Presented) A computer readable medium as recited in claim 15, wherein the first program executes on a first computer system, the second program executes on a second computer system.

26. (Original) A computer readable medium as recited in claim 15, wherein the data communication file is stored on the first computer system, the second computer system, or another computer system.

27. (Previously Presented) A computer system for sharing media data between application programs operating thereon, said computer system comprising:

a first application program that manages a first media database that contains at least media information, in a proprietary format, pertaining to media items, said first application further produces a data communication file that includes at least a portion of the media information of the first media database; and

a data storage device that stores the data communication file and a media content file for each of a plurality of media items;

wherein the data communication file has a predetermined format known by a second application program,

wherein the second application program presenting a user interface using at least a portion of the media information acquired from the data communication file,

wherein the first application program and the second application program operate on the same computer system, and

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

28. (Original) A computer system as recited in claim 27, wherein said second application program receives a user selection with respect to the user interface, thereby selecting at least one media item.

29. (Original) A computer system as recited in claim 28, wherein said second application program plays or displays media content from the media content file for the selected media item.

30. (Previously Presented) A computer system as recited in claim 28, wherein said second application program makes use of the media information from the data communication file or media content from the media content file for the selected media item.

31. (Previously Presented) A computer system as recited in claim 27, wherein the data communication file is a markup language document.

32. (Original) A computer system as recited in claim 31, wherein the markup language document is an XML document.

33. (Original) A computer system as recited in claim 27, wherein the user interface includes at least a list of certain of the media items affiliated with the first media database.

34. (Original) A computer system as recited in claim 33, wherein the list is a menu.

35. (Original) A computer system as recited in claim 27, wherein said data storage device further stores data forming the first media database.

36. (Previously Presented) A computer system as recited in claim 27,

wherein said second application program makes use of the media information from the data communication file or media content from the media content file for the selected media item,

wherein said second application program receives a user selection with respect to the user interface, thereby selecting at least one media item, and

wherein said first application program updates the data communication file whenever the first media database is updated.

37. (Previously Presented) A computer system as recited in claim 27, wherein said first application program updates the data communication file when the first media database is changed.

38. (Previously Presented) A computer system as recited in claim 27, wherein said first application program updates the data communication file when a user interface window associated with the first application program is context switched into a foreground position.

39. (Previously Presented) A method as recited in claim 1, wherein the first application program and the second application program operate on the same computer.

40. (Previously Presented) A method as recited in claim 1, wherein the first application program includes at least a media management application.

41. (Previously Presented) A method as recited in claim 1, wherein the data communication file is automatically produced by the first application program.

42. (Previously Presented) A method as recited in claim 41, wherein the first application program automatically updates the data communication file when the media information utilized by the first application program changes.

43. (Previously Presented) A method as recited in claim 42, wherein a delay timer is used to regulate the frequency at which updates to the data communication file occur.

44. (Previously Presented) A method as recited in claim 1, wherein the method comprises:

   determining whether the media information about the one or more media content files in the data communication file has changed at the first application program;

   setting an update flag to signal the first application program that the data communication file should be updated; and

   limiting the frequency at which updates to the data communication file occur.

45. (Previously Presented) A method as recited in claim 44, wherein the limiting uses a delay timer limiting the frequency at which updates to the data communication file occur.

46. (Previously Presented) A computer readable medium as recited in claim 15, wherein said computer readable medium comprises:

   computer program code for determining whether the media information in the data communication file about the one or more media content files has changed at the first application program;

   computer program code for updating the data communication file if determined that the media information about the one or more media content files has changed at the first application program; and

   computer program code for limiting the frequency at which updates to the data communication file occur.

IX.   EVIDENCE APPENDIX

There is currently no evidence entered and relied upon in this Appeal.

X.   RELATED PROCEEDINGS APPENDIX

There are currently no decisions rendered by a court or the Board in any proceeding identified in the Related Appeals and Interferences section.